

# Crawley Borough Council

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## Report to Licensing Sub Committee

29 November 2011

### Application to Vary the Premises Licence for

‘Downsman’

Wakehurst Drive, Southgate,

Crawley, RH10 6DH

ANGELA TANNER

Head of Planning and Environmental Services

#### 1. Details of Application

1.1 On the 11<sup>th</sup> October 2011, Spirit Pub Company (Leased) Limited, the premises licence holder for the premises known as Downsman, Wakehurst Drive, Southgate, Crawley, submitted an application to the Council for the variation of the existing licence in accordance with the provisions of the Licensing Act 2003 (‘the Act’).

1.2 The application in its original form sought to vary the premises licence as follows:-

- (a) To extend the hours for the following licensable activities: provision of regulated entertaining (performances of live music, playing of recorded music, performances of dance and anything similar); provision of entertainment facilities (for making music, for dancing and anything similar); and the sale by retail of alcohol for consumption both on and off the premises, as follows:

Sun to Wed: 11:00 to 00:00 (currently 11:00 to 23:30)

Thu to Sat: 11:00 to 02:00 (currently 11:00 to 00:00)

*Reference Documents  
and Guidance*

**Appendix A**  
*Application Form*

**Appendix A**  
*Application Form  
Operating Schedule*

- (b) To extend the hours for the licensable activity of provision of late night refreshment as follows:
- Sun to Wed: No change requested  
Thu to Sat: 23:00 to 02:00 (currently 23:00 to 00:00)
- (c) In addition to the above, to change the non-standard hours for licensable activities as follows:
- (i) An additional hour than specified above in (a) and (b) every Friday, Saturday, Sunday and Monday for each May Bank Holiday Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
  - (ii) An additional hour than specified above in (a) and (b) every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
  - (iii) An additional hour than specified above in (a) and (b) every Christmas Eve and Boxing Day.
  - (iv) To extend the hours of all licensable activities on New Year's Eve to the opening time on New Year's Day (so that licensable activities may commence from the opening time on New Year's Eve until the closing time on New Year's Day).
- (d) To change the opening hours of the premises as follows:
- Sun to Wed: 11:00 to 00:30 (currently 10:00 to 00:00)  
Thu to Sat: 11:00 to 02:30 (currently 10:00 to 00:30)
- (e) In addition to the above, to change the non-standard opening hours as follows:
- (i) Closing 1 hour later than specified above in (d) every Friday, Saturday, Sunday and Monday for each May Bank Holiday Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
  - (ii) Closing 1 hour later than specified above in (d) every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
  - (iii) Closing an hour later than specified above in (d) every Christmas Eve and Boxing Day.
  - (iv) To extend the closing time on New Year's Eve to the opening time on New Year's Day (so that the premises can be continuously open from the opening time on New Year's Eve until the closing time on New Year's Day).

- (f) Remove the condition - "Embedded restrictions under the Licensing Act 1964 pertaining to Permitted Hours, Credit Sales and Children in Bars are removed from the licence."

1.3 A copy of the existing premises licence and plans are attached for your consideration.

**Appendix B**  
*Existing premises licence*

1.4 The Licence Holder has not specified any additional steps which it intends to take to promote the licensing objectives.

**Appendix A**  
*Application Form.  
Operating Schedule  
Section P*

## **2. Consultation**

2.1 The application was advertised in accordance with legislation and as a result of the consultation process the following relevant representations were submitted to the Council:-

### **2.1.1 Responsible Authorities:**

The only relevant representation received from a responsible authority was made by Mr Brian Cox, on behalf of Crawley Borough Council's Environmental Services Department. In that representation Mr Cox states that in his view the application does not adequately address the statutory objective of prevention of public nuisance.

**Appendix C**  
*Copy of Mr Cox's representation*

### **2.1.2 Interested parties:**

Relevant representations were submitted by 2 interested parties living in the vicinity of the premises.

Letter from R. J. Pridie (Appendix D)  
Letter 2 from Shirley Rashbrook and Robert Rashbrook (Appendix E)

**Appendices D and E**  
*Copies of letters of representation from Interested Parties*

## **3. Reason for the Hearing**

3.1 Where the Licensing Authority receives an application to vary a premises licence and relevant representations are made the licensing authority must hold a hearing to consider them (unless the authority, the applicant and each person who has made a representation agree that a hearing is unnecessary – which has not happened in this case) and, having regard to the representations, take such of the steps (if any) as it considers necessary for the promotion of the licensing objectives.

*Licensing Act 2003  
Section 35*

3.2 The steps so mentioned are:-

- (a) to modify the conditions of the licence;
- (b) to reject the whole or part of the application.

*Licensing Act 2003  
Section 35*

3.3 In determining the application with a view to promoting the licensing objectives, the licensing authority must have regard to:

- (a) the representations presented by all the parties – that is, the representations set out in Appendices C, D and E;
- (b) the Statutory Guidance; and
- (c) its own statement of licensing policy.

*Licensing Act 2003  
Sections 4 and 35*

#### **4. Statutory considerations and Guidance issued by the Secretary of State**

4.1 Section 4 of the 2003 Act provides that in carrying out its functions, a licensing authority must have regard to guidance issued by the Secretary of State under section 182 ('Guidance'). The Guidance was updated in October 2010. The requirement is therefore binding on all licensing authorities to that extent.

4.2 However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and as long as licensing authorities have properly understood the Guidance they may depart from it if they have reason to do so as long as they are able to provide full reasons.

4.3 Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

*Section 182 Statutory  
Guidance  
1.15*

4.4 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.

*Section 182 Statutory  
Guidance  
1.28*

4.5 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area

*Section 182 Statutory  
Guidance  
1.29*

4.6	<p>The essential purpose of the licence in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave.</p>	<p><i>Statutory Guidance S182 2.4</i></p>
4.7	<p>In preparing an operating schedule, the Secretary of State expects applicants to have had regard to the statement of licensing policy for their area. They should also be aware of the expectations of the licensing authority and the responsible authorities on the steps that are necessary for the promotion of the licensing objectives.</p>	<p><i>Section 182 Statutory Guidance 8.41</i></p>
4.8	<p>The steps to be taken should be both realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them (under section 136 of the 2003 Act). As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.</p>	<p><i>Section 182 Statutory Guidance 8.44</i></p>
4.9	<p>Conditions which relate to the four licensing objectives could be used where necessary and appropriate to the particular circumstances of an individually licensed premises. It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.</p>	<p><i>S182 Guidance Para 10.5</i></p>
4.10	<p>The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs should carry out before making their application for a premises licence.</p>	<p><i>S182 Guidance Para 10.7</i></p>
4.11	<p>The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.</p>	<p><i>S182 Guidance Para 10.11</i></p>
4.12	<p>It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.</p>	<p><i>S182 Guidance Para 10.12</i></p>

4.13	The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues.	<i>S182 Guidance Para 10.13</i>
4.14	Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.	<i>S182 Guidance Para 10.14</i>
4.15	Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties.	<i>S182 Guidance Para 10.15</i>
4.16	Concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises.	<i>S182 Guidance Para 10.19</i>
4.17	However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.	<i>S182 Guidance Para 10.20</i>
4.18	Members are reminded, however, that if conditions which do not precisely mirror the operating schedule are to be imposed, the Members must satisfy themselves that appropriate evidence exists to justify the imposition of these conditions.	
4.19	Members' attention is drawn to Part 4 of Annex D to the Statutory Guidance provides guidance on conditions relating to the prevention of public nuisance.	<i>Section 182 Statutory Guidance (pages 144 to 145)</i>
4.20	Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.	
<b>5.</b>	<b>Policy Considerations</b>	
5.1	Members must give due consideration to the merits of each individual case. Attention is drawn to the following sections of the 'Members' Information Pack':	

	<ul style="list-style-type: none"> <li>Home Office Guidance issued under s.182 of the Act (October 2010).</li> </ul>	<i>Part A</i>
	<ul style="list-style-type: none"> <li>CBC Licensing Policy for Liquor, Late Night Refreshment and Regulated Entertainment Licences 2008 – 2011, and</li> </ul>	<i>Part B</i>
	<ul style="list-style-type: none"> <li>LACORS' Guidance: The role of elected members in relation to licensing committee hearings under the Licensing Act 2003,</li> </ul>	<i>Part C</i>
	<ul style="list-style-type: none"> <li>Council's procedure for Hearings under the Licensing Act 2003 (Hearings) regulations 2005 [extract from the Council's Constitution].</li> </ul>	<i>Part D</i>
5.2	The aim of Crawley Borough Council's Licensing Policy 2008 – 2011 ('the Policy') is to promote the licensing objectives set out in the Act whilst securing the safety and amenity of residential communities and facilitating a sustainable entertainment and cultural industry.	<i>CBC Alcohol Licensing Policy 1.2</i>
5.2.1	Licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act. The terms and conditions attached to various permissions will be focused on matters which are within the reasonable control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.	<i>CBC Alcohol Licensing Policy 2.4</i>
5.2.2	The Licensing Authority will primarily focus on the direct impact the activities taking place at licensed premises will have on members of the public living, working and engaging in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti social behaviour by individuals once they are beyond the reasonable control of the licence holder.	<i>CBC Alcohol Licensing Policy 2.5</i>
5.2.3	The Policy is also intended to ensure that the provision of additional opportunities for licensable activities is matched by additional measures enabling the police and responsible authorities to act promptly to maintain public order and safety.	<i>CBC Alcohol Licensing Policy 2.7</i>
5.2.4	The key controls in respect of preventing crime and disorder arise from good operational planning and good management of activities at the premises	<i>CBC Alcohol Licensing Policy 2.10</i>
5.2.5	The Policy states that conditions will be used if they can control issues that directly impact on the behaviour of those under the licensee's direction, when on his premises or in the immediate vicinity of the premises as they seek entry or leave. The Conditions laid down in Annex D of the Statutory Guidance will be used as a pool of conditions.	<i>CBC Alcohol Licensing Policy 2.14</i>

5.2.6	There is no statutory definition of Public Nuisance. The Licensing Authority will therefore need to make judgements about what constitutes public nuisance and define the necessary controls. To decide this, Members will focus on whether impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity are disproportionate and unreasonable.	<i>CBC Alcohol Licensing Policy 2.33</i>
5.3	<p>Applicants are expected to conduct a thorough risk assessment with regards to the licensing objectives when preparing their applications. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:</p> <ul style="list-style-type: none"> <li>• the nature and style of the venue;</li> <li>• the activities being conducted there;</li> <li>• the location; and</li> <li>• the anticipated clientele.</li> </ul>	<i>Appendix A (Application Form – Part B) ‘Operating Schedule’</i>
5.4	In preparing ‘Operating Schedules’, the Licensing Authority expects that applicants should have regard to statements of licensing policy published by this authority for the Crawley area.	<i>CBC Alcohol Licensing Policy</i>
5.4.1	It is also expected that applicants will seek the views of key responsible authorities before formally submitting applications and having completed drafts of their own operating schedules (after considering the effect on the four licensing objectives). For example, on matters relating to crime and disorder, the police and local authority safety officers and local community groups might be consulted.	<i>CBC Alcohol Licensing Policy</i>
5.5	The Licensing Authority general principle will be to support later opening so that customers leave for natural reasons slowly over a longer period. This will prevent any artificial concentration. Specific issues will be dealt with by review of premises licence following representations based on evidence.	<i>CBC Alcohol Licensing Policy 2.95</i>
<b>6.</b>	<b>Staffing, Financial and Legal Implications</b>	
6.1	There are no extra staffing or financial implications to the Council, save for those laid out in Part 10 of the Information Pack in respect of possible appeals.	
6.2	The Council is required to consider the impact any decision may have on an individual’s Human Rights.	
6.3	The Council is required to consider the impact any decision may have on crime and disorder in the area .	<i>S17 Crime and Disorder Act 1998</i>



**7. Recommendations**

7.1 **Having regard to the relevant representations Members must take such of the following steps mentioned (if any) as they consider necessary for the promotion of the licensing objectives:-**

*Licensing Act 2003  
s35(3)*

7.2 **To modify the conditions of the licence;**

*Licensing Act 2003  
s35(4)(a)*

7.3 **To reject the whole or part of the application.**

*Licensing Act 2003  
s35(4)(b)*

**8. Background Papers**

All associated paper work regarding this application  
The information pack  
Statutory Guidance October 2010  
Crawley Borough Council Licensing Policy 2008 - 2011

Contact Officer:- Mike Lyons  
Direct Line:- 01293 438698





**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I/We Spirit Pub Company (Leased) Limited

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> 05/00143/LAPRE
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Downsman Wakehurst Drive Southgate			
<b>Post town</b>	Crawley	<b>Post code</b>	RH10 6DH

<b>Telephone number at premises (if any)</b>	01293 526173
<b>Non-domestic rateable value of premises</b>	£49000

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>	n/a		
<b>Current postal address if different from premises address</b>	Sunrise House Ninth Avenue		
<b>Post Town</b>	Burton Upon Trent	<b>Postcode</b>	DE14 3JZ

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

To permit live music, recorded music, performance of dance, provision of facilities for dancing, provision of facilities for making music, karaoke and the sale of alcohol until 00:00h Sunday to Wednesday and until 02:00h Thursday to Saturday (current permission until 23:30h and until 00:00h Thursday to Saturday).

To permit late night refreshment until 00:00h Sunday to Wednesday and until 02:00h Thursday to Saturday (current permission until 00:00h Sunday to Wednesday and until 00:30h Thursday to Saturday).

An additional 30 minutes drinking up time on top of the last permitted sale of alcohol.

For all of the above a further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.

Remove the condition "Embedded restrictions under the Licensing Act 1964 pertaining to Permitted Hours, Credit Sales and Children in Bars are removed form this licence".

All other hours, licensable activities and conditions are to remain unchanged.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

0
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#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

- |  |                                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

##### Provision of entertainment facilities:

- |  |                                     |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I)  | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	00:00	<b>Please give further details here</b> (please read guidance note 3) As per current licence permission.	Both	<input type="checkbox"/>
Tue	11:00	00:00			
Wed	11:00	00:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	11:00				
Fri		02:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
	11:00				
Sat		02:00			
	11:00				
Sun		02:00			
	11:00	00:00			

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) As per current licence permission.		
Mon	11:00	00:00			
Tue	11:00	00:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed	11:00	00:00			
Thur	11:00		<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
Fri		02:00			
	11:00				
Sat		02:00			
	11:00				
Sun		02:00			
	11:00	00:00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	00:00	<b>Please give further details here</b> (please read guidance note 3) As per current licence.	Both	<input type="checkbox"/>
Tue	11:00	00:00			
Wed	11:00	00:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	11:00				
Fri		02:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
	11:00				
Sat		02:00			
	11:00				
Sun		02:00			
	11:00	00:00			

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b> As per current licence permission.		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed	11:00	00:00			
Thur	11:00				
Fri		02:00	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
	11:00				
Sat		02:00			
	11:00		<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
Sun		02:00			
	11:00	00:00			

1

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b> As per current licence permission.	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Mon	11:00	00:00		
Tue	11:00	00:00	<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed	11:00	00:00		
Thur	11:00		<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.	
Fri		02:00		
	11:00			
Sat		02:00		
	11:00			
Sun		02:00		
	11:00	00:00		

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b> As per current licence permission.		
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00	<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur	11:00				
Fri		02:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
	11:00				
Sat		02:00			
	11:00				
Sun		02:00			
	11:00	00:00			

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b> As per current licence permission.		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed	11:00	00:00			
Thur	11:00		<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri		02:00			
	11:00				
Sat		02:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
	11:00		A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
Sun		02:00			
	11:00	00:00			



L

Late night refreshment Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 3) As per current licence permission.		
Tue	23:00	00:00			
Wed	23:00	00:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23:00				
Fri		02:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5) A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
	23:00				
Sat		02:00			
	23:00				
Sun		02:00			
	23:00	00:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00				
Fri		02:00			
Sat		02:00			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b> A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.		
Sun		02:00			
	11:00	00:00			

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**  
As per the existing licence.

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon		00:30	
	11:00		
Tue		00:30	
	11:00		
Wed		00:30	
	11:00		
Thur		00:30	
	11:00		
Fri		02:30	
	11:00		
Sat		02:30	
	11:00		
Sun		02:30	
	11:00		

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 5)  
 A further additional hour into the morning following every, Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking  
 Remove the condition "Embedded restrictions under the Licensing Act 1964 pertaining to Permitted Hours, Credit Sales and Children in Bars are removed from this licence".

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

The Premises Licence has not been reissued following the minor variation application submitted on 18 July 2011.

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

As per the existing licence.

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

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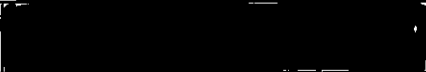
**Please tick yes**

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	10.10.11
Capacity	Solicitor to Applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Barry Richards  
TLT Solicitors  
One Redcliff Street

<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
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<b>Telephone number (if any)</b>	0117 917 7612
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<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> barry.richards@tltsolicitors.com
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### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.





**Premises Licence**  
(Licensing Act 2003 – Part A)

**B**

**Crawley Borough Council**

Licensing Section, Town Hall, The Boulevard,  
Crawley, West Sussex. RH10 1UZ  
01293 438279



**Premises Licence Number**

**05/00143/LAPRE**

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description:**

Downsman  
Wakehurst Drive  
Southgate

**Post town:** Crawley, West Sussex

**Post code:** RH10 6DH

**Telephone number:** 01293 526173

**Where the licence is time limited the dates:**

Not Applicable

**Licensable activities authorised by the licence:**

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON & OFF THE PREMISES;  
LIVE MUSIC; RECORDED MUSIC; PERFORMANCE OF DANCE; (and anything similar)  
PROVISION OF FACILITIES FOR DANCING & MAKING MUSIC; (and anything similar)  
LATE NIGHT REFRESHMENT.

**The times the licence authorises the carrying out of licensable activities:**

**Sale by retail of alcohol for consumption on & off the premises:**

Monday – Wednesday: 11:00 to 23:30  
Thursday, Friday & Saturday: 11.00 to 00.00  
Sunday: 11.00 to 23.30

**Live music; recorded music; performance of dance; provision of facilities for dancing;  
provision of facilities for making music and anything similar:**

Monday – Wednesday: 11:00 to 23:30  
Thursday, Friday & Saturday: 11.00 to 00.00  
Sunday: 11.00 to 23.30

**Late night refreshment:**

Monday – Wednesday: 23:00 to 00:00

GRANTED BY  
CRAWLEY BOROUGH COUNCIL

**29 JUN 2010**

LICENSING SECTION

10/00798/LAPRE.29.06.10

Thursday, Friday and Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

**Seasonal variations for all licensable activities:**

On St. David's day, St. Patrick's Day, St. George's Day and St. Andrew's day, the finish time will be extended by one hour.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond the standard times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days' notice and agreement with the police.

**The opening hours of the premises:**

Monday – Wednesday: 10:00 to 00:00  
Thursday, Friday & Saturday: 10.00 to 00.30  
Sunday: 10.00 to 00.00

**Seasonal variations for the premises to be open to the public:**

On St. David's day, St. Patrick's Day, St. George's Day and St. Andrew's day, the finish time will be extended by one hour.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond the standard times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days' notice and agreement with the police.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

For Consumption On & Off The Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Punch Taverns Plc  
Jubilee House  
Second Avenue  
Burton upon Trent  
Staffordshire  
DE14 2WF

**Registered number of holder, for example company number, charity number (where applicable):**

03752645

GRANTED BY  
CRAWLEY BOROUGH COUNCIL

29 JUN 2010

LICENSING SECTION

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Dhirvbhai Govindbhai Patel

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Mole Valley District Council 257

**IMPORTANT:**

Embedded Restrictions under the Licensing Act 1964 apply to the licence otherwise indicated at annex 2 – Conditions consistent with the Operating Schedule.

This licence is issued subject to the relevant (Licensing Act 2003, the Act) legislation and does not constitute an authorisation for any other purpose administered by Crawley Borough Council and it may not be construed that the grant of this premises licence shall indicate the approval of any other authorisation administered by this Council.

This licence forms an authorisation which indicates the approved licensable activities applicable to the premises so mentioned, the times of these activities, the approved layout of the premises and the conditions by which the premises may lawfully operate.

You are advised that in accordance with s136 on the Act , a person commits an offence if they carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or knowingly allow a licensable activity to be so carried on.

**Annex 1 – Mandatory Conditions**

1 If this premises licence authorises the supply/sale of alcohol, the following two conditions apply:

- i. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated supervisor does not hold a personal licence or his personal licence is suspended.
- ii. Every supply/sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2 If this premises licence authorises the exhibition of film(s), the admission of children under the age of 18 years is restricted in accordance with the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984.

3 If this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity (as defined by the Private Security Industry Act 2001) then such individuals must be licensed by the Security Industry Authority.

10/00798/LAPRE.29.06.10

*(Conditions 4 to 6 effective from 6<sup>th</sup> April 2010 – Sch 4 Policing & Crime Act 2010)*

4 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance,  
or harm to children–

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply

Alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

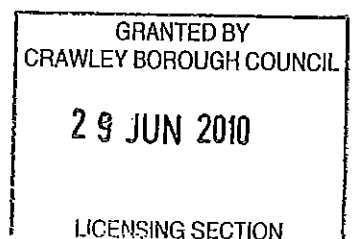
5 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available

*(Conditions 7 & 8 effective from 1<sup>st</sup> October 2010 – Sch 4 Policing & Crime Act 2010)*

7 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

10/00798/LAPRE.29.06.10



(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8 The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**Annex 2 – Conditions consistent with the Operating Schedule**

- 1) Embedded restrictions under the Licensing Act 1964 pertaining to Permitted Hours, Credit Sales and Children in Bars are removed from this licence.
- 2) Noise from the licensed premises shall be inaudible within any room of any residential property that has one or more windows to the room open. The test for compliance shall be that noise from the licensed premises is no more than barely audible at the boundary of the residential property.
- 3) A written scheme for controlling noise from the licensed premises shall be submitted to the authority for approval. The scheme shall be applied to all licensed events taking place on the premises. The scheme shall be subject to review at any time upon the written request of the licensing authority.
- 4) All live and recorded music must, at all times, be connected and controlled by the existing noise limiter. This must be set and maintained at a level to be decided by an authorised officer of the Environmental Health Noise Team.
- 5) The operational panel shall then be secured and the noise limiter shall not be altered without the prior agreement of an authorised officer of Environmental Health
- 6) Noise from regulated entertainment shall be inaudible within any noise sensitive premises (which includes any residence and which may have one or more windows open to allow for ventilation). The test for fulfilment of this condition shall be that noise from the premises shall be no more than barely audible at the boundary of any nearby noise sensitive premises

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- 7) At all times during which any form of regulated entertainment is being provide, all doors and windows shall be kept closed other than to allow for ingress and egress.
- 8) The Designated Premises Supervisor shall arrange for a responsible person to check noise levels at the boundary of nearby noise sensitive premises several times throughout the course of the provision of any form of regulated entertainment after 23:00, to ensure that noise emanating from the licensed premises is no more than barely audible
- 9) When door staff are used they will be Security Industry Authority (SIA) approved and operate in accordance with the security industry guidelines.
- 10) A zero tolerance towards illegal drugs will be enforced at all times
- 11) If a disc jockey is used on any night then he/she will ask customers to leave quietly
- 12) All instances of crime & disorder will be reported to the police and will be kept in a incident log book

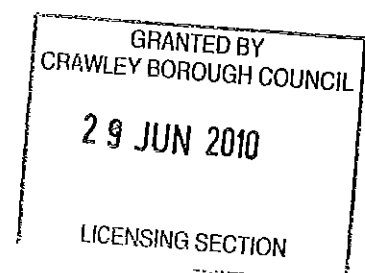
- 13) Free drinking water will be available at all times
- 14) Soft Drinks and non- alcoholic drinks will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises
- 15) When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons
- 16) Children will be required to be supervised by the accompanying adult at all times
- 17) A non-smoking area will be provided
- 18) Recognised proof of age scheme will be enforced
- 19) The external drinking areas must be closed to patrons from 23:00 Monday to Sunday, except for a Designated Smoking Area, the size and location of which must be agreed with the Environmental Health Pollution Team.
- 20) Locate clear and visible signs identifying the Designated Smoking Area and also to request that customers use the area quietly.
- 21) No drinks or food must be consumed in the Designated Smoking Area after 23:00pm.
- 22) Provide suitable sized receptacle(s) for the disposal of cigarette butts.
- 23) The area set aside for smoking after 23:00 must predominantly be used and utilised by smokers.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Not Applicable

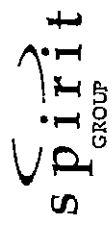
**Annex 4 – Plans:**

This licence is issued subject to the attached approved plan (plan which was submitted as part of the application process) and now forms a very important part of the 'authorisation'. (Any alternation made to the premises or a substantial change to the approved plans which are currently in the possession of the Council may require a variation of the licence. You are advised to consult with this Licensing Authority before you make any proposed changes).



This drawing is for the sole use of the Architect, Engineer, Designer and should not be copied or reproduced without consent. It is to be used only for the purpose for which it is intended and is not to be used for any other purpose. It is to be used only for the purpose for which it is intended and is not to be used for any other purpose. It is to be used only for the purpose for which it is intended and is not to be used for any other purpose.

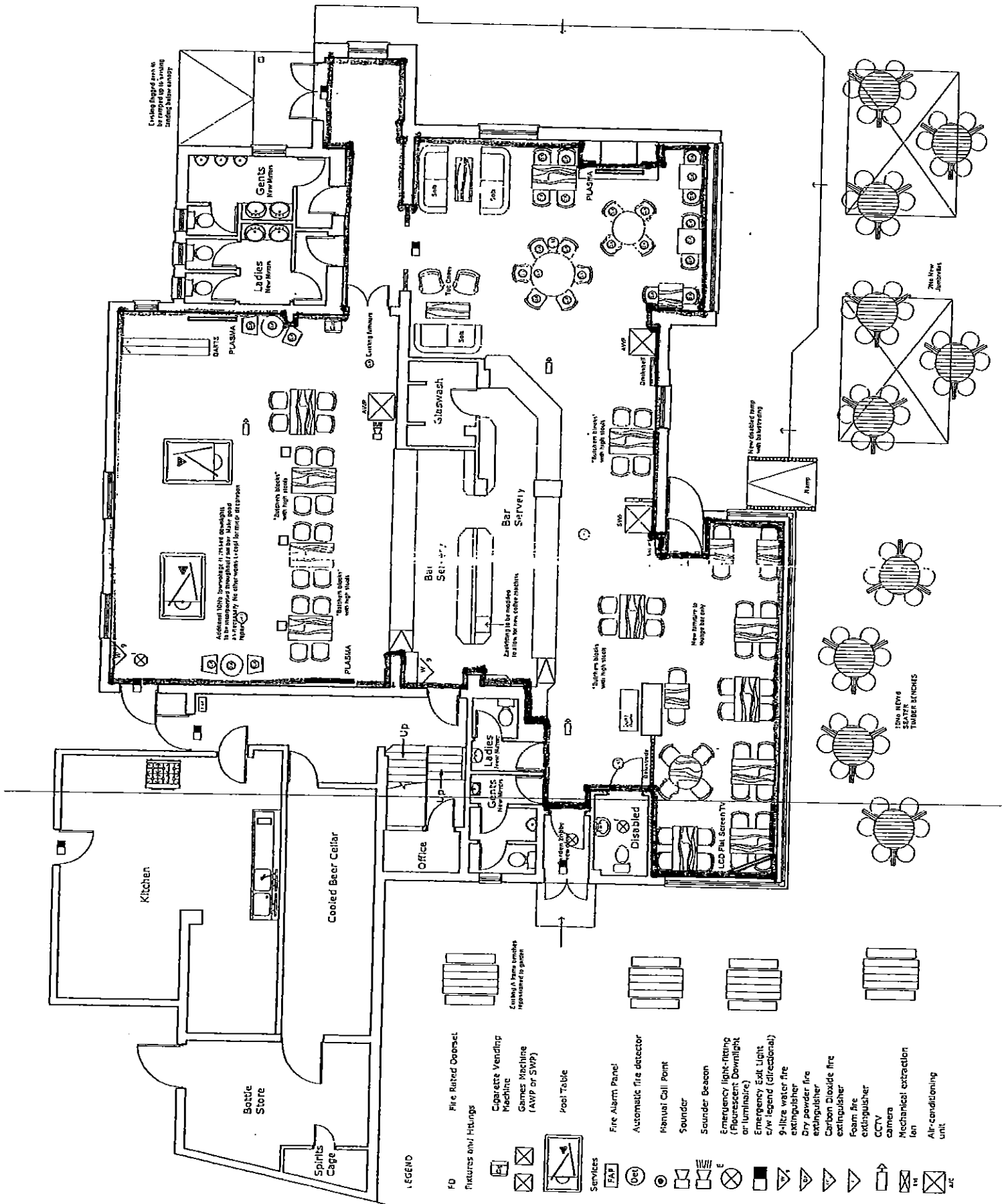
DATE REF REVISION



PREMISES  
The Downman  
Wakehurst Drive  
Southgate  
Crawley  
RH10 6DH  
Tel: 01293 526173

DRAWING TITLE  
Proposed Licensing  
Layout

DATE 08/05/2006  
SCALE 1:100  
DRAWING NO  
REV  
C7509 / 01







# Premises Licence Summary

(Licensing Act 2003 – Part B)

## Crawley Borough Council

Licensing Section, Town Hall The Boulevard,  
Crawley, West Sussex. RH10 1UZ  
01293 438279



PREMISES LICENCE NUMBER

05/00143/LAPRE

### Premises details

**Postal address of premises, or if none, ordnance survey map reference or description:**

Downsman  
Wakehurst Drive  
Southgate

Post town: Crawley, West Sussex

Post code: RH10 6DH

Telephone number: 01293 526173

**Where the licence is time limited the dates:**

Not Applicable

**Licensable activities authorised by the licence:**

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON & OFF THE PREMISES;  
LIVE MUSIC; RECORDED MUSIC; PERFORMANCE OF DANCE; (and anything similar)  
PROVISION OF FACILITIES FOR DANCING & MAKING MUSIC; (and anything similar)  
LATE NIGHT REFRESHMENT.

**The times the licence authorises the carrying out of licensable activities**

**Sale by retail of alcohol for consumption on & off the premises:**

Monday – Wednesday: 11:00 to 23:30  
Thursday, Friday & Saturday: 11.00 to 00.00  
Sunday: 11.00 to 23.30

**Live music; recorded music; performance of dance; provision of facilities for dancing;  
provision of facilities for making music and anything similar:**

Monday – Wednesday: 11:00 to 23:30  
Thursday, Friday & Saturday: 11.00 to 00.00  
Sunday: 11.00 to 23.30

**Late night refreshment:**

Monday – Wednesday: 23:00 to 00:00  
Thursday, Friday and Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

GRANTED BY  
CRAWLEY BOROUGH COUNCIL

29 JUN 2010

LICENSING SECTION

**Seasonal variations for all licensable activities:**

On St. David's day, St. Patrick's Day, St. George's Day and St. Andrew's day, the finish time will be extended by one hour.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond the standard times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days' notice and agreement with the police.

**The opening hours of the premises:**

Monday – Wednesday: 10:00 to 00:00  
Thursday, Friday & Saturday: 10.00 to 00.30  
Sunday: 10.00 to 00.00

**Seasonal variations for the premises to be open to the public:**

On St. David's day, St. Patrick's Day, St. George's Day and St. Andrew's day, the finish time will be extended by one hour.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond the standard times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days' notice and agreement with the police.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

For Consumption On & Off The Premises  
Off Sales of alcohol shall not be sold in an open container or be consumed on the licensed premises.

**Name, (registered) address of holder of premises licence:**

Punch Taverns Plc  
Jubilee House  
Second Avenue  
Burton Upon Trent  
Staffordshire  
DE14 2WF

**Registered number of holder, for example company number, charity number (where applicable):**

03752645

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Dhirvbhai Govindbhai Patel

**State whether access to the premises by children is restricted or prohibited:**

Not Applicable

## MEMO



<b>TO:</b>	Licensing Division	<b>Your ref:</b>	
		<b>Our ref:</b>	2011/00062/JPEL
		<b>Ext:</b>	8557
		<b>Date:</b>	8 <sup>th</sup> November 2011
<b>FROM:</b>	Brian Cox. Env. Health Division.		

**The Licensing Act 2003**  
**Downsman, Wakehurst Drive, Southgate, Crawley.**  
**Application for a variation to the Premises Licence.**

I have the following representation to make with regard to the prevention of public nuisance.

It is this division's opinion that the application does not adequately address the licensing objective of prevention of public nuisance.

The Downsman is on Wakehurst Drive, Southgate and is situated in a residential area and adjacent to a parade of shops, which also have residential properties above them. The closest residents are 10m to the south of the pub, 20-25m to the east and 35m to the north.

The Downsman already has a License for regulated entertainment which allows regulated entertainment until 23:30 Sun – Wed and 24:00 on Thur to Sat.

This application seeks to vary the license as follows:

**Regulated Entertainment (including live and recorded music):**

11:00 – 24:00 Sunday to Wednesday

11:00 – 02:00 Thursday to Saturday

**Late night refreshments:**

23:00 – 24:00 Sunday to Wednesday

23:00 – 02:00 Thursday to Saturday

**Hours of opening (page 17 section O)**

Both inside and outside.

10:00 – 00:30 Sunday to Wednesday

10:00 – 02:30 Thursday to Saturday

**Additional hours:**

An additional hour on Fridays, Saturday, Sundays and Mondays of all Bank Holiday weekends, Thursday before Good Friday, Christmas Eve and Boxing Day.

**Summary**

The Downsman already has occasional regulated entertainment and at present can close at 00:30 from Thursday to Saturday and can extend by another hour on Bank holidays, Patron Saint Days and on 12 other occasions in the year. The Council received a noise complaint in July 2008, the investigation (involving noise recording equipment) established that there was a public nuisance caused by customers smoking outside the rear exit to the car park. There was also clearly audible loud music when the rear door was left open by the smokers using the rear exit.

Following discussion with the DPS and Area Manager this was resolved by requiring all smokers to smoke at the front of the premises.

In June 2010 there was a similar complaint regarding noise from smokers outside the rear door. I discussed the problem with the present owners and this was resolved. Both these complaints related to noise before and after 11pm.

At present all the customers have left by 00:30. However if the Downman remains open until 02:30 at weekends or 03:30 on bank holiday weekends then the likelihood of noisy disturbance to residents increases significantly. Not only from customers leaving but also from smokers standing outside the premises. The car park is to the rear of the pub and residents have previously complained of cars leaving late at night, some doing wheel spins as they leave.

As I had serious concerns about the late opening hours and extended regulated entertainment I had a meeting with Mr Mohan Patel. At the meeting both Mohan Patel and his brother agreed to amend the operating hours and the hours of regulated entertainment on the application. I confirmed the amended proposal by e-mail on the 1<sup>st</sup> November 2011 and Mr Mohan Patel sent his agreement to the amended hours to the Licensing Team (see attached e-mail).

Following discussion with Sgt Tony Jarred from the police licensing team I realised I hadn't recommended an extension to the supply of alcohol hours to fit with the new opening hours (allowing a 30 minute drinking up time requested by Mr Mohan Patel). I therefore emailed Mr M Patel to suggest this amendment. However Mr M Patel said he wanted to retract his previous agreement. I understand that this is because the police have only required reduction in the hours with regards Crime and Disorder.

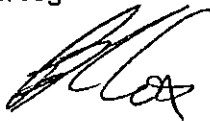
However since my original discussions on the 1<sup>st</sup> November, the licensing team have received two representations from local residents, which relate to Public Nuisance. These residents have previously contacted Environmental Health and their complaints were substantiated by the investigation (see above).

## Conclusion

As this is a quiet residential road with very little through traffic I am of the opinion that the later opening hours will attract an increased number of customer and later into the night. This will increase the likelihood of a Public Nuisance from noise disturbance from customers smoking outside and from arriving and departing. This will therefore not satisfy the Licensing objective of Prevention of Public Nuisance.

I negotiated an amendment to the application with regards a reduction in hours of operation and regulated entertainment but the applicant has now withdrawn that agreement. Subsequent to this original agreement two separate residents have now made representation concerning public nuisance. Their previous complaints of public nuisance were substantiated by Environmental Health. I have started an investigating into these complaints which includes recent occurrences of noise from the rear of the premises from smokers, arguments, fights, shouting, swearing and taxis sounding their horns when they collect customers from the pub.

Considering the recent complaints I therefore recommend that if the Licensing Committee were minded to increase the operating hours that it should be restricted to a minimal increase and the hours of regulated entertainment should not be increased.



Brian Cox  
Senior Environmental Health Officer

RECEIVED  
- 9 NOV 2011  
ENVIRONMENT AND  
HOUSING DIRECTORATE

Crawley Borough Council Licensing Authority  
Licensing Section  
Town Hall  
The Boulevard  
West Sussex  
RH10 1UZ

30 October 2011

Dear Sirs

Re The Downsman Public House, Wakehurst Drive, Crawley, West Sussex RH10 6DH  
Application for variation to the premises licence.

My wife and I strongly object to any increase in the licensing hours or variance to the existing licence for The Downsman Public House.

We both feel that consideration should be given to the residents of the area that live in the immediate vicinity. This pub is situated in a residential area not a town centre. People living in the vicinity do have to get up for work in the mornings, some quite early, they do not wish to be kept awake by the noise coming from the pub. It is bad enough now with people milling around the rear entrance of the pub, smoking, drinking and behaving very boisterously. We have noticed that a table has been placed by the rear entrance for their use although we have been given to understand that under their existing licence smoking and outside drinking is only allowed at the front of the pub, which is the designated smoking area, and that customers should not be allowed to drink outside after 11pm.

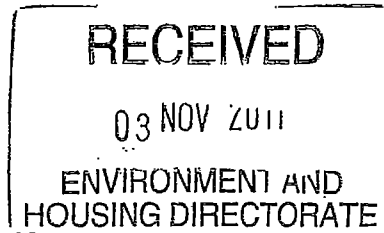
It is felt that if they were to be granted this variance to their existing licence then the noise levels would increase and become unbearable especially when the patrons have had a few drinks and they start shouting profanities. We already get people doing wheelies and turning their music up full blast on occasions, not just at night but during the day as well. Plus we feel that it would only increase binge drinking which the Government in trying to discourage.

Surely living in a residential area it is not too much to ask for some consideration from the landlord and patrons of this pub and we feel that increasing their opening time to 3am and allowing live music and dancing would be definitely detrimental to the surrounding area and environment.

Yours sincerely



R. J. Pridie



2nd November 2011

Dear Jackie

**Re: Application for extending hours of opening for**  
**The Downsman Public House**  
**Wakehurst Drive Southgate RH10 6DH**

As local residents whose property is directly behind the above public house the change in opening hours will have a direct impact on our well being and we wish to object to the proposed extended opening times.

At the present time the closing time is 24.00hrs but we have problems in the past, documented with the Council since 2008 and correspondence from Brian Cox enclosed, as to regards noise from the outside area of anything up to 02.00am when the customers decide to call it a night or whilst they wait for taxi etc.. It could now be with the new change of hours more like 04.00hours before they disperse.

The main reason for this problem has arisen since the "No Smoking" ban. There is a designated area in front of the premises but they have moved tables from the frontage to the side of the building adjacent to the rear door and have even installing a walled heater by the doorway. The smoking area at the front of the premises is in the current terms of agreement.

The Licensing Act 2.36 states that all outside drinking areas to be closed between 23.00hrs-07.00hrs except for designated area, which the rear of the building is not.

Apart from the noise aspect we have an environmental issue here as well in that with the premises being closed cliental of The Downsman use either the outside walls or the recycle bin area to relieve (urinating) themselves, this also happens in broad daylight.

We can accept opening hours being extended in Crawley Town Centre but not in a built up neighbourhood like Southgate.

Recently planning permission has been granted for a change of layout to the premises and this will mean the rear entrance being moved so the noise levels will be even greater to what we have previously experienced. In the past the fire exit door has been left open and cliental have used this as an exit to smoke and drink outside in the car-park. When this has been used it seems they are standing under our rear bedroom window.

We would just like to remind you that back in 2008 a meeting were held with Brian Cox (Crawley Borough Council), the then Manageress of The Downsman and the Spirit Group Area Manager. It was agreed the following points be adhered too:

- Rear fire door to be kept closed, except in emergency – this has been breached on numerous occasions
- Customers to use the front entrance as a designated smoking area – this breached on a daily basis.
- Customers not allowed to drink in the outside seating area after 11.00pm – this is breached on a regular basis.

- All windows and doors are closed, other than for exit and entrance, on evenings when entertainment is being provided – have no problem with the doors but windows regulation is breached.
- Monitoring of sound level from the exterior of the premises on evenings where entertainment is provided – music more often or not is excessive and is often played to the early hours of the morning.
- Signs to request customers to respect neighbours whilst smoking and vacating the premises – as of 1st November 2011 there were no signs at the rear of the building.
- It was also stated that they had moved the table/chairs to the side of the premises as this was causing loitering and noise disturbance by non-patrons – for one they were patrons but it appears once the premises doors are closed it is not the pubs concern. Finally, we not only have table/chairs back from where they were removed from but now two sets of tables/chairs!

May we thank you for taking the time to explain when I called you today about details of the publicising of the application. Appreciate that details are displayed in a window of the premises but unless you go up close you would not know what is was about. Can also appreciate that is was in the Crawley Observer, albeit hidden away in a corner in smallest of print. If we had not purchased the paper we would never had know about the application. Personally we smell a rat here as there was no sign of it in the Crawley News, a publication that is circulated free in Crawley.

Yours Sincerely



Shirley Rashbrook



Robert Rashbrook

## Environmental Services Division

Contact: Brian Cox  
Direct Line: 01293 438557  
Direct Fax: 01293 511803  
DX: 57139 Crawley 1

Your Ref:  
Our Ref: 08/01583/NOICQJ  
Email: [pollution@ Crawley.gov.uk](mailto:pollution@ Crawley.gov.uk)  
Date: 20<sup>th</sup> October 2008



Dear Mrs Rashbrook

**Licensing Act 2003.  
Environmental Protection Act 1990, Part III  
The Downsman, Wakehurst Drive, Southgate.**

First accept my apologies for not being in contact with you sooner. The following is a summary to date of the various actions taken to resolve the noise problems you have been experiencing from The Downsman.

The tape recording clearly showed that there was a noise problem with both the smokers and the karaoke. It also showed that there were a number of breaches of their Licensing conditions. I therefore wrote to the Manageress pointing out the various problems and where they had breached their conditions and copied the letter to our Licensing Team, who enforce the Licensing Act 2003.

Last week I had a meeting with the Manageress and the Spirit Group Area Manager. They had prepared and implemented a Noise Action Plan to resolve the various problems. The Action Plan included the following main points:

- Rear fire door to be kept closed, except in emergency.
- Customers to use the front entrance as a designated smoking area
- Customers not allowed to drink in the outside seating area after 11pm.
- All windows and doors are closed, other than for exit and entrance, on evenings where entertainment is being provided.
- Monitoring of the sound level from the exterior of the premises on evenings where entertainment is provided.
- Signs to request our customers to respect our neighbors whilst smoking and vacating the premises.

In addition they have removed the table to the side of the pub as this was causing loitering and noise disturbance by non-patrons.



INVESTOR IN PEOPLE



Switchboard: 01293 438000  
Main fax: 01293 511803  
Minicom: 01293 405202  
DX: 57139 Crawley 1  
[www.crawley.gov.uk](http://www.crawley.gov.uk)

Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ



With respects to the bottle emptying, they assure me that this is only ever carried out in the mornings and did point out that there is a row of bottle banks adjacent to the pub which they state are used by the public late at night. The manageress said she had been awoken by the noise herself.

Hopefully the warning they have received and the above actions will resolve the issue of the noise from smokers and disturbance from the various forms of entertainment. However if you do suffer from further noise problems then please make notes of the dates and times and then contact me on the above number and I will follow it up with the Manageress.

Yours sincerely

A large black rectangular redaction box covering the signature of the sender.

Senior Environmental Health Officer

**Environmental Services Division**

Contact: Brian Cox Your Ref:  
Direct Line: 01293 438557 Our Ref: 08/01583/NOICOI  
Direct Fax: 01293 511803 Email: pollution@crawley.gov.uk  
DX: 57139 Crawley 1 Date: 7 July 2008



Dear Mrs Rashbrook

**Environmental Protection Act 1990, Part III  
Regulation of Investigatory Powers Act 2000 (RIPA)  
Complaint of Noise Nuisance from The Downsman Wakehurst Drive Southgate  
Crawley West Sussex RH10 6DH**

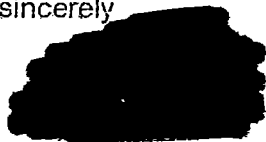
Further to our recent conversation, I have contacted the alleged noisemaker, advising them of the complaint of noise made against them. Sometimes, as a result of the letter, there is an improvement in the noise. If you feel that with this improvement, it is no longer a serious problem, then do not complete the attached diary sheets.

If there is no improvement or after an initial improvement the noise returns as before, then you should begin to make entries on the enclosed diary sheets, for a period of up to two weeks. When this has been done, please return them to the Environmental Services Division. A guidance sheet is provided to help you - please follow it carefully. I must stress that without this record it is unlikely that your complaint can be progressed further.

It would be helpful if you noted on the sheets any times that you were away from home when a disturbance would normally be expected. In this way the lack of a diary entry will not be interpreted as a period when no disturbance was occurring.

If you need further advice on completing the diary sheets then please contact the case officer.

Yours sincerely



Brian Cox  
Senior EHO

**Environment & Housing Directorate**

Director: J.I. Redwood  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

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website: www.crawley.gov.uk



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